

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:07-HC-2020-D

UNITED STATES OF AMERICA,	)	
Petitioner,	)	
	)	MEMORANDUM IN SUPPORT OF
v.	)	MOTION TO DISMISS
	)	CERTIFICATION OF A SEXUALLY
WAYNE ROBERT HICKS,	)	DANGEROUS PERSON
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves to dismiss the certification of a sexually dangerous person entered in the above-captioned matter, and in support thereof shows onto this Honorable Court:

1. The United States, pursuant to lawful procedures, certified the Respondent as a sexually dangerous person under 18 U.S.C. § 4248 on January 12, 2007. (D.E. #1).

2. On May 26, 2005, respondent's term of supervised release was revoked and respondent sentenced to 24 months' imprisonment upon a judicial finding that respondent admitted that he violated the terms of his supervised release. See Exhibit 1 - Judgment in revocation hearing held in United States v. Wayne Robert Hicks, Criminal Number 1:99-CR-210-001-WS(S.D. Ala. May 26, 2005). Respondent is no longer subject to a term of supervised release.

3. Upon a more detailed review of the Respondent's condition, and factors particular to this case, the United States concludes that it will not be able to meet its burden of proving by

clear and convincing evidence that respondent will, based on a serious sexual abnormality or mental disorder, have serious difficulty in refraining from engaging in sexually violent conduct or child molestation.

4. Therefore, the United States hereby moves to dismiss the Certification of a Sexually Dangerous Person entered in the above-captioned matter and the case.

Respectfully submitted, on this 27<sup>th</sup> day of July 2011.

THOMAS W. WALKER  
United States Attorney

/s/ Michael Gordon James  
MICHAEL GORDON JAMES  
Assistant United States Attorney  
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N.Y. Bar # 2481414  
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that I have on this 27<sup>th</sup> day of July 2011, served the foregoing memorandum in support of Petitioner's motion to dismiss upon counsel for the respondent by CM/ECF addressed to:

Ms. Suzanne Little  
Assistant Federal Public Defender  
150 Fayetteville Street Mall, Suite 450  
Raleigh , NC 27601

/s/ Michael Gordon James  
MICHAEL GORDON JAMES  
Assistant United States Attorney  
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N.Y. Bar # 2481414  
Attorney for Petitioner

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA  
v.  
WAYNE ROBERT HICKS

**JUDGMENT IN A CRIMINAL CASE**  
(For Revocation of Probation or Supervised Release)

CASE NUMBER: **99-CR-00210-001-WS**  
USM NUMBER: **07421-003**

**THE DEFENDANT:**

Carlos Williams  
Defendant's Attorney

☒ admitted guilt to violation of supervision condition(s): the Specific Condition, the Special Condition and Condition # 3, as charged in the Probation Form 12-C, dated April 26, 2005.

☐ was found in violation of supervision condition(s): \_\_\_\_\_

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date violation Occurred</u>
Specific Condition	New Offense	
Special Condition	Technical	
Condition # 3	Technical	

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Social Security No.: 6768

May 26, 2005

Date of Imposition of Judgment

Defendant's Date of Birth: 1959

Defendant's Residence Address:

Mobile, Alabama

s/WILLIAM H. STEELE

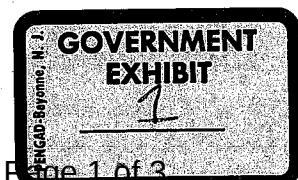
UNITED STATES DISTRICT JUDGE

Defendant's Mailing Address:

Mobile, Alabama

June 8, 2005

Date



AO 245D (Rev. 12/03) Judgment in a Criminal Case for Revocations: Sheet 2 - Imprisonment

Defendant: **WAYNE ROBERT HICKS**

Case Number: **99-CR-00210-001-WS**

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 24 months.

☒ The court makes the following recommendations to the Bureau of Prisons: **that the defendant be housed at an institution where he may be afforded mental health treatment.**

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_ .m. on \_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_

with a certified copy of this judgment.

UNITED STATES MARSHAL

By: \_\_\_\_\_  
Deputy U.S. Marshal

